



Appeal Decision

Site Visit made on 5 January 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/T5150/D/20/3259398

636 North Circular Road, Neasden, London NW2 7QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms C Abdul against the decision of London Borough of Brent.
 - The application Ref 20/1830, dated 24 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is construction of single storey outbuilding in rear garden of dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey outbuilding in rear garden of dwelling house at 636 North Circular Road, Neasden, London NW2 7QJ in accordance with the terms of the application, Ref 20/1830, dated 24 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 201916/LP/01, 201916/PL/801, 201916/PL/802 Rev A.
 - 3) The outbuilding hereby approved shall not be used other than for purposes incidental to the enjoyment of the property at 636 North Circular Road and shall not be used for any other purpose. It shall not contain any primary living accommodation such as kitchens, bedrooms or bathrooms, nor shall it be used for commercial storage relating to other premises or for self-contained residential accommodation.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring residents, with particular regard to outlook and sunlight.

Reasons

Character and appearance

3. The appeal site is located on the junction of the North Circular Road and The Circle. A service passage runs to the rear of the dwelling and provides access for a number of dwellings on either side. The outbuilding would be located at the end of the garden, abutting the common boundary with No 638 and the

rear boundary of the site. Due to the height of the outbuilding, it would still be visible above the high boundary wall.

4. The Council has drawn my attention to the Residential Extensions and Alterations Supplementary Planning Document (SPD) (2018). This suggests that outbuildings in gardens of over 100 sqm metres should normally be no larger than 30 sqm in floorspace. As the building would abut a neighbour's boundary, the guidance suggests buildings should be no more than 2.5 metres in height. The Council state that the footprint of the building would be 31 sqm; the submitted plans suggest 26 sqm. The ridge height of the roof would be just under 3.5 metres and around 2.5 metres at the eaves.
5. The top of the building would be visible only fleetingly when approaching the North Circular Road from the east. Other views of the building would be limited to the private views of neighbours or from users of the rear service passage. As it would be set back from the boundary with The Circle, it would not appear as an unduly large, prominent or intrusive structure from any of these viewpoints. Moreover, it is generally not unusual to see domestic outbuildings in gardens. As such, this would not be seen as an incongruous feature addition to the street scene.
6. There are also already many outbuildings of different sizes, designs and materials at the end of the gardens of houses on each side of the service road. While I do not know the circumstances in which these were constructed, it is clear that many have been in place for some time and are an established part of the local character. In this regard, the design, height or materials used in the outbuilding would not appear conspicuous or out of keeping with the area. The building would also remain well separated from the main house, ensuring it would appear as a subordinate structure.
7. Even if I were to accept the Council's footprint figures, this would be a relatively minor deviation from the SPD's guidance. However, as the development would abut the boundary, it would be taller than the SPD would normally support. This clearly weighs against the development. Nevertheless, this is guidance only and, in the context of this proposal, the additional height would not result in material harm to local character.
8. I therefore find that the development would not cause unacceptable harm to the character and appearance of the area. There would therefore be no conflict with Brent Development Management Policies document (BDMP) (2016) Policy DM1. This includes provisions to ensure development complements the locality. As noted above, the technical inconsistency with the SPD would not lead to any harm or conflict with either the development plan or the objectives of the SPD itself.

Living Conditions

9. The development would take place close to the common boundary with No 638. As noted above, the development would be taller than the Council's guidance suggests for a building abutting the boundary. Again, this weighs against the development. Nevertheless, it would be located well away from the rear of the dwelling. A substantial proportion of the garden near to the dwelling would not be affected to any significant degree. The outlook from the dwelling itself and much of the garden would not be materially affected by the development. While the building would be prominent above the fence, it would not be of such

a scale to be unduly intrusive or overbearing. The dual pitched roof would be helpful in this regard as the highest point would be away from the boundary. Overall, I am satisfied that the building would not create an undue sense of enclosure or confinement within the space.

10. The orientation of the building means that it would be likely to cast some shadow into the neighbouring garden during parts of the day. While already likely to be the case as a result of the tall boundary fence, it would be reasonable to assume that the additional height would have a more significant impact. However, without substantive evidence to the contrary, I am satisfied that any overshadowing would not be so significant as to make the garden an unacceptably gloomy or oppressive space. The effect of the outbuilding would change over the course of the day and would be unlikely to impact the whole of the garden. Therefore, while it would have some effect on sunlight and daylight, it would be unlikely to have a significant impact on living conditions.
11. I therefore find that the development would not have an unacceptable impact on the living conditions of neighbours. Accordingly, there would be no conflict with BDMP Policy DM1 which seeks, amongst other things, to ensure development provides high levels of external amenity. In the context of the proposal, I am satisfied that the technical inconsistency with part of the SPD would not lead to harm or conflict with development plan policy or the overarching objectives of the SPD.

Conditions

12. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. For the avoidance of any doubt, I have also imposed the Council's suggested condition relating to the use of the building.
13. I have not imposed the suggested condition requiring materials to match those of the existing building. The plans suggest the materials would be different to those of the main dwelling. However, these would not be harmful to local character. It is sufficient to rely on the submitted plans and thus this condition is not necessary.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR